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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,781	07/12/2000	Jeff H. Swartz	7320-59	2421

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EXAMINER

SMITH, CREIGHTON H

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 614781Applicant(s) Swartz, J.H.Examiner Smith, C.H.Group Art Unit 2645

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-17 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-17 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-11, 13-16 are rejected under 35 U.S.C. 102 (b) as being anticipated by

Fawcett et al.

Fawcett et al disclose a call/support center, col. 12, lines 50-55, that receives phone calls from users/callers. In Fawcett's system the caller will be presented with a menu of choices by an IVR which will help the ACD to correctly route the call to the specific area where the caller desires information, col. 1, lines 36-50. In Fawcett et al if the specific voice information ~~is not helpful~~ is not helpful to the caller, the call will be placed in a voice queue to speak with the next available caller assistance agent, col. 1, lines 51-54. In Fawcett, as the call 1st comes into the ACD system the caller is greeted by the IVR menu in order to see if the caller's problems can be solved by IVR information, with the IVR information programmed to be unique to that ACD system. Only when the information programmed onto that IVR system cannot answer the caller's questions, will the call be queued to wait for the next available agent. Queuing a call 1st, rather than present the caller with the IVR menu, is inefficient because all the time that a call remains queued while the ACD searches for an available agent costs the company money in terms of air time charges billed by the phone company. By immediately presenting the caller with the ACD's IVR menu the caller

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is being presented with information that could possibly answer her question, rather than queuing the call and incurring phone company charges.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

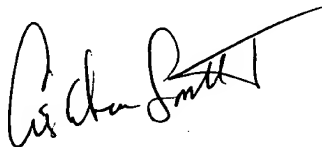
Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al in view of Fawcett et al.

Walker's method is clearly shown in Fig. 8A where a call comes into a call center at Step ¹⁰⁰ 805; in Step ¹⁰¹ 815 the ACD checks to see if an agent is available to answer the call. If an agent is not available to answer the call then the call is queued and the caller is presented with an IVR menu of options that the caller can take advantage of while waiting in queue for the next available agent. Walker presents the caller with 2 options: 1) place a call to a 3rd party; or 2) access entertainment services. Walker et al does not provide the caller with the option of selecting information that will help the caller with her problem. Fawcett et al does provide the caller with an IVR menu of information that will help the caller with her problem. To have provided Fawcett's teaching of providing on their IVR menu information relating to the company's products that will help a caller with her problems on Walker's IVR menu would have been obvious to a person having ordinary skill in the art. The motivation for making this modification is that the Interactive Voice Response system can be programmed with any type of voice recording that a company desires,

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information about problems with their products, access to entertainment while in queue, or even a call to a 3rd party. See Uppaluru et al, U.S. patent # 6324276 @ col. 3, lines 24-43, where they disclose that the customization of an IVR system is well known. Regarding claims 3, 12, & 17 for the phone call to be made from a chat room is deemed obvious to a person having ordinary skill in the art.

Any inquiry concerning this communication should be directed to C Smith at telephone number C Smith.

A handwritten signature in black ink, appearing to read "Creighton Smith", with a long horizontal stroke extending from the end of the name.

Creighton Smith

Creighton Smith
Primary Examiner

10 JULY '03